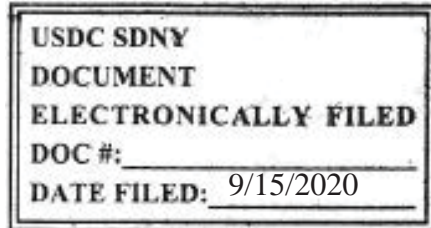


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Adam Dayan, Esq.
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September 14, 2020

BY ECF

Hon. Judge Alison J. Nathan U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007

Re: *L.M. et al v. N.Y.C. Dep't of Educ., 20-cv-04246 (AJN)*

I am Plaintiffs' counsel in the above-referenced matter. I am writing regarding the proposed case management plan and joint letter, which was due on Friday, September 11, prior to the upcoming Initial Pretrial Conference scheduled for Friday, September 18.

During the course of my communications with Defendant's counsel on Friday, September 11 regarding the proposed case management plan and joint letter, it was brought to my attention that Defendant's counsel had no record of the above-referenced matter in its database.

The reason for this was not immediately clear to my office. In other fee claim matters recently, our office was informed by the New York City Law Department that it did not have a record of the case, or did not file a notice of appearance, due to internal confusion within the Law Department resulting from the challenges associated with having to operate remotely during the ongoing Covid-19 pandemic.

Upon Defendant's counsel's request that our office provide a copy of the automated receipt of service that is typically generated after serving the Defendant via an email service portal, our office researched the matter further. However, we were unable to locate the automated receipt of service requested by Defendant's counsel.

I consulted with our firm's office administrator regarding this matter. She advised me that, in error, she prepared an affidavit of service and had it notarized for documents pertaining to a different matter, and mistakenly filed it via ECF for this matter.

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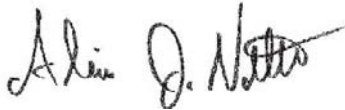
I believe this occurred during the throes of the Covid-19 pandemic when our staff was dealing with the challenges associated with having to operate our office remotely.

Service was effectuated today immediately once we realized that the documents had not been served properly previously.

Since it appears that Defendant was not served with process in the above-referenced matter before today, I am requesting that the September 18 Initial Pretrial Conference, and the related deadlines, be cancelled until Defendant has had an opportunity to review the documents that were served on the Department today.

I apologize for any confusion or inconvenience this may have caused. Thank you for your consideration of this request.

The Initial Pretrial Conference currently scheduled for September 18, 2020, is hereby adjourned to October 23, 2020, at 3:15 p.m.
SO ORDERED.



Respectfully,

/s/ Adam Dayan

Adam Dayan, Esq.

9/15/2020

Cc: Martin Bowe
Jonathan Pines
Corporation Counsel
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New York, New York 10007
Attorneys for Defendant